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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

| No. CV 11-5145-GAF (PJWx)

Plaintiff,

PROPOSED

VS.

\$811,330 IN BANK FUNDS SEIZED FROM ONE FIRST BANK ACCOUNT,

**CONSENT JUDGMENT
OF FORFEITURE**

Defendant.

KOBY INTERNATIONAL, INC., a
California corporation,

Claimant.

25 This action was filed on June 20, 2011. Notice was given and published in
26 accordance with law. Claimant, KODY INTERNATIONAL, INC., a California
27 corporation, ("Claimant" or "Koby"), is the entity from whose bank account
28 defendant \$811,330 in Bank Funds ("Defendant Funds") was seized. Koby filed a

1 timely claim for return of the Defendant Funds. No other claims were filed, and
2 the time for filing claims has expired. Koby denies any wrongdoing, and has
3 denied the material allegations of the Complaint, except for jurisdiction.

4 Plaintiff and Claimant have reached an agreement that is dispositive of the
5 entire action, and have stipulated and requested that judgment be entered on the
6 following terms.

7 Good cause appearing, IT IS ORDERED, ADJUDGED AND DECREED THAT:

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9 1. This Court has jurisdiction over Plaintiff, the Defendant Funds,
10 Claimant and the subject matter of this action.

11 2. Notice of this action has been given in accordance with law. All
12 potential claimants to the Defendant Funds other than Koby are deemed to have
13 admitted the allegations of the Complaint. The allegations set forth in the
14 Complaint are sufficient to establish a basis for forfeiture.

15 3. The Department of the Treasury shall calculate the amount of
16 interest (actual or constructive) earned on the Defendant Funds through the date
17 of disbursement pursuant to this Consent Judgment.

18 4. The United States of America shall have judgment as to 22.5% (*i.e.*,
19 \$182,549.25) of Defendant Funds plus any interest earned thereon. No other
20 person or entity shall have any right, title or interest in the funds awarded to the
21 United States. The Department of Treasury is ordered to dispose of said assets in
22 accordance with law.

23 5. The funds awarded to the United States are forfeited under the
24 authority of 31 U.S.C. §§ 5317(c) & 5324, and 18 U.S.C. § 984; however, this
25 award is based on the parties' stipulation, and the Court makes no finding
26 regarding whether Koby or its principals violated any law.

27 6. The remainder of the Defendant Funds (*i.e.*, \$628,780.75) plus any
28 interest earned thereon shall be paid to Koby promptly after entry of this

1 judgment. Koby and its counsel shall provide, in writing, the information
2 necessary for the government to make the payment called for herein by
3 electronic funds or wire transfer in accordance with federal law.

4 7. The United States of America, its agencies, agents, and officers,
5 including employees and agents of the Internal Revenue Service and local or state
6 law enforcement officers cross-designated as agents of the United States, are
7 released from any and all claims, actions or liabilities arising out of or related to
8 this action. All parties shall bear their own costs of suit, including attorneys' fees.

9 8. The Court finds that there was reasonable cause for the seizure of the
10 Defendant Funds and institution of these proceedings. This judgment shall be
11 construed as a certificate of reasonable cause pursuant to 28 U.S.C. § 2465.

12 Dated: September 10, 2012



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14
15 HON. GARY A. FEES
16 UNITED STATES DISTRICT JUDGE

17 Presented by:

18 ANDRÉ BIROTTÉ, JR.
19 United States Attorney
20 ROBERT E. DUGDALE
21 Assistant United States Attorney
22 Chief, Criminal Division
23 STEVEN R. WELK
24 Assistant United States Attorney
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26 By David A. Lombardero
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